

[The President]

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“ I nominate Mr. M. A. Muthiah Chettiyar, Kumararaja of Chettinad, a Member of the Panel of Chairmen, to be a member of the Select Committee.”

III.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS ELEMENTARY EDUCATION ACT, 1920 (BILL No. 2 OF 1934).

THE SCHEDULE.

Transitory Provisions.

Rule 8.

Diwan Bahadur A. APPADURAI PILLAI:—“ Mr. President, Sir, rule 8 of the Transitory Provision as amended by Mr. Pannirselvam and Mr. Nachiyappa Gounder makes the matter rather complicated. The amended rule runs thus: ‘ The officers and servants of the taluk and district boards in each district, shall, at the commencement of this Act, be deemed to belong to a single district establishment for the purpose of fixing, under the provisions of sub-section (3) of section 67 of this Act, the number, designations and grades of the officers and servants of the district board or boards reconstituted in each district ’ and

“ From this portion onwards we follow Mr. Nachiyappa Gounder’s amendment: ‘ and then, if necessary retrenchment may be made in accordance with the principles laid down in G.O. No. 486, Public (Services), dated 31st March 1932, and allowing concessions as laid down in G.O. No. 124, Finance (Pension), dated 24th March 1932. The persons thrown out of employment shall ’ (here we again come to Mr. Pannirselvam’s amendment) ‘ have preference in future appointments under the district and panchayat boards ’ (here Mr. Nachiyappa Gounder stops but Mr. Pannirselvam wants to add the following also) ‘ subject to such directions as may be issued by the Local Government.’

“ Having read this, I am really at a loss to know where we really stand. On the other hand, the provision made in the Bill is clear cut, and it provides for all the grades of local board service. Rule 8 as embodied in the amending Bill and as accepted by the Select Committee with a slight alteration makes the matter clear and provides for all the contingencies contemplated with reference to the abolition of taluk boards and the disbandment of their staff. I request I may not be misunderstood when I speak on this matter as though I am in any way prejudicial or opposed or unsympathetic to the interests of the taluk board staff. Far from it, my sympathies are entirely with them. It is a pity that after a long period of service some of the hard-worked staff should be disbanded. It is really doing them injury, and so it behoves this House to do all it can to devise ways and means to somehow or other alleviate their distress. The proposal put forward by Mr. Pannirselvam to drag in the district board people also to the taluk board people and make them suffer equally, because they also belong to the same service, namely, the local board service, is not an argument that would appeal to several of us here as sound and correct. For the fact remains that it is the taluk boards that have been affected

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by this measure. Whether rightly or wrongly, unfortunately it is the taluk boards that have come to grief on account of the financial stringency. So, because the taluk board people suffer, the district board people also should suffer is a rather novel argument put forward. It seems, I submit, safer to let one set of people suffer and find out the best means of rescuing them, rather than drag in the rest of these people and make the whole lot suffer.

"I am informed on very good authority that the distress of the taluk board people, so much talked of here, will not be acute after all. There are 480 people who would be affected by the abolition of the taluk boards. Out of these 480 subordinates that will be thrown out, it will be possible to absorb into the new district board service no less than 300. Because there are a variety of officers in the district board service, like the district board engineers, the district educational officers, who will be appointed very soon, the health officers and the panchayat officers, etc. These will require some hands, and so some of these disbanded people will be taken into service. Not only that, elementary education business would go bodily to the district boards in future. The clerks attached to elementary education—there are two clerks attached to this in the taluk boards—and they will bodily go over to the district boards. Similarly the two clerks attached to works and communication in the taluk boards would bodily go over to the district boards. That means, Sir, four out of the six clerks in the taluk board service will go over to the district boards. Then with regard to these two remaining clerks also we can provide work in the district board service in this way. The panchayat officers who will be appointed may require some hands to assist them, and these may be put under their control; or even in the district board service, there will spring up several standing committees for education, for health and medical help and for rural development. Surely these will require some staff, and so these remaining two clerks also may be absorbed. Thus the question of distress can be solved in this way, or at least it can be alleviated to a very great extent. In view of that, Sir, I do not think it is necessary for us to provide in the Bill any provision besides what has been put in in the amending Bill.

"One other point I wish to make in this connexion. I am very sorry, if what I hear is to be true, that even after the Government Order prohibiting the filling up of acting vacancies in district board service in view of the abolition of the taluk boards and the consequent absorbing of taluk board staff in the district board service, several posts in district board service have been filled up for the simple reason that the presidents of these boards wanted that their clerks should not suffer by the coming into force of this amending Bill. In some cases, I am afraid, even retrospective effect was given to these appointments and confirmations, simply because these posts may not be utilized in the interests of the taluk board employees. So to put an end to this injustice I think it will be better to lay down a specific rule and entrust the whole affair to a responsible officer, say, the Inspector of Local

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Boards and Municipal Councils. He should maintain a list of persons thrown out of the taluk boards and he should see that these are absorbed in the district board service first before any outsider is appointed.

“Then, Sir, there is another difficulty in straightaway absorbing discharged taluk board staff into district board service. It was pointed out by Mr. C. S. Ratnasabhapati Mudaliyar the other day that while the lowest grade clerk in some taluk boards is drawing a salary on the Rs. 40 to Rs. 60 grade, the lowest grade clerk in the district board is drawing only Rs. 35-1 $\frac{1}{2}$ -60.

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“But in some of the taluk boards the scales of pay adopted by the Government have been bodily taken into and I believe they are following those scales of pay. In some instances in the case of taluk boards—I have got a concrete instance—the presidents have given three or four increments over the pay that ought to be drawn by the subordinate. One can understand the reason for such a sudden increment. The subordinate concerned may be a very intelligent man and might have been carrying on his work with considerable ability and the taluk board president might have taken it into his head to give advance increments for three or four years. In such cases, it may be very difficult to bring all on a sudden the taluk board man into the district board staff. A certain amount of time must elapse. Some of those men that are brought into new scale of pay may not get the same pay as those who were getting old scales of pay, but only a lower amount, but I am sure such men would prefer to draw a lower pay to remaining without appointment. I believe some of the taluk boards are following the Fundamental Rules followed by the Government and one of the rules says that if a subordinate loses the pay that he was originally drawing on account of his taking up a post on a lower scale of pay, the difference of pay must be made good to him. The taluk board official, I hope, would only consent not to insist upon such difference in pay being secured to him although it may be possible, for the officers in charge to arrange for such things. I think there will not be much difficulty in absorbing the taluk board staff. It may also be necessary—it is for the consideration of the Government whether it is possible or feasible—to introduce bifurcation of the district boards, at the same time the taluk boards are abolished. If these two things are brought about at the same time, I think the difficulty of trying to find job for the taluk board staff will be overcome to a considerable extent. In the place of one district board, there will be two district boards to one of which the officials of the existing district board will go and the taluk board officials will be absorbed in the other district board. Whatever it may be, my final argument is that these are matters that ought to be regulated more by departmental executive orders rather than by provision of law. Reference to Government Orders and all that sort of thing which generally find a place in executive orders ought not to find a place in legal provision. There is a place for everything. I think

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these restrictions and references to Government Orders can very well be relegated to rules framed by the Government having the force of law. It will be the object of the Government and the business of the local boards—I daresay they will avail themselves of the provision contained in the Bill—to secure prompt and rapid absorption of the taluk board officials that are thrown out of employment. In view of these things, I would only beg of my hon. Friend, Mr. Pannirselvam, not to press his amendment, but to leave it to the rules to bring about a real relief that he has asked for.”

* Rao Bahadur C. NATESA MUDALIYAR:—“ Sir, this is a very difficult problem. I think arguments can be adduced on either side. The taluk board clerks are not going out of their own accord. We are sending them away. They thought, when they entered service, that their positions were secure. We are discharging not only the employees that went into the taluk board from the district board but also those employees who went to the taluk board service from Government service. For instance one gentleman in North Arcot, a man who was a Magisterial clerk in a Deputy Collector's office went as a taluk board clerk and rose to the position of head clerk after some years of service and he is drawing Rs. 100. It is hard for such men to be told to go away from service. On the other hand the argument that if the taluk boards are abolished, the district boards ought to suffer is a thing which one cannot understand. If the Survey office is abolished, the Board of Revenue need not suffer. The staff of the district board were not told when they entered service that the taluk boards and the district boards were a single unit. So it is a very difficult problem. Another thing is that if both are taken as one unit and if seniors are provided with appointments, the junior will have to be thrown out. The minority communities say that the juniors who were entertained recently in the district board service are mostly from minority or backward communities and so minority communities would be thrown out and there may be no representation of minority communities in the district board service. The amendment proposed by the hon. Member, Mr. Nachiyappa Gounder is this: the Government might consider both the district board and taluk board as one unit and take all the staff from both the boards together and then select the most senior and retrench the juniors. To an amendment of this sort there is no place in this Council at all. Retrenchment, this Council hates mostly. We have had enough of retrenchment asking the people to go home without providing for future. I do not want that retrenchment should be introduced during the transitory period. On the other hand I would request the Government to keep these subordinates in the waiting list, then absorb them as and when vacancies occur. There will be no difficulty. Apart from that, if the Government are sympathetic they may send these people to other places where appointments are available. Why should you consider about dispensing with the services of the people once and

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for all. I am afraid my hon. Friend, Mr. Nachiyappa Gounder, has misunderstood the phrase 'continue to be qualified and suitable for the post.' What the Select Committee meant was this: they took it for granted that all those who were permanently employed in the taluk board are qualified, because a man reading in the fourth form might have been appointed as a permanent clerk in the taluk board. That means the president of the taluk board accepted him and exempted him from all qualifications. The implied understanding is that Government can take all those people, whether they have read up to fourth, third or second form. They were all exempted. Let them be on the waiting list and we shall absorb them as vacancies occur. So I request my hon. Friends, Messrs. Pannirselvam and Nachiyappa Gounder, to withdraw their amendments. We have got our own Chief Minister. He has got an able Secretary, Mr. Conran Smith, who is very well known to all of us. We can trust both of them and ask them to do as much as possible for these men. Services of all those people who have put in more than 25 years of service may be dispensed with. However, I request the Government to see that some gratuity is paid to these people or a pension given. Let them not be left adrift in the world without being able to maintain themselves. Government will be well advised in doing as I have suggested. So once again I request the Government to see that these superannuated people are given some gratuity or pension and with regard to other people they may take them according to seniority. The district boards can absorb them, the Government can absorb them. So I request my hon. Friend, Mr. Pannirselvam, to trust our Chief Minister and I am sure he will do everything well. I also request my hon. Friend, Mr. Nachiyappa Gounder, to withdraw his amendment. It was also suggested that these matters might be referred to the Standing Committees that are going to be formed. I think it is much better to vote upon these things here rather than referring them to Standing Committees. Anyhow, let me hear what the Hon. the Chief Minister has to say."

* The Hon. the RAJA OF BOBBILI:—"The amendment under discussion naturally affects a large number of people and it has now taken up the attention of this House for over two hours. The first point that I wish to answer is with reference to the statement made by many hon. Members of this House that all the employees in the taluk boards will be sent out. I have stated and repeated more than once that it will be only a small proportion which will, in the first instance, be retrenched and that they will be absorbed ultimately. I am afraid no useful purpose will be served by my repeating the same arguments to people who refuse to be convinced. Then it has been stated by some speakers that the most objectionable feature of the Bill is retrenchment. But the amendment now proposed does not give us any other alternative in this respect. The amendment only seeks to throw the burden on the district board employees also. It has to be conceded on all sides that there will be some retrenchment which

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is unavoidable and the question now is who should bear this hardship. I have stated in my opening speech when I introduced the Bill as well as in the discussions in the Select Committee that Government are not lacking in sympathy for these taluk board employees and that they will devise every means in their power to minimize the hardship as far as possible. The question now resolves itself into this: whether we should retire the juniors or the seniors. Much can be said in favour of both the propositions and it is a matter of opinion whether the hardship will be greater in the case of juniors or seniors. It may be said, in the case of seniors that, they have had their innings and they have earned a pension or provident fund; anyhow the time for their retirement is drawing near and if it is a matter of only one or two years, it will not be such a great hardship. In the case of juniors, it may be said that the future of young men who have just entered on their careers will be marred by their being sent out.

“ So, Sir, the question comes now to this: whether juniors are 3 p.m.
to be sent out or seniors are to be sent out according to this amendment. I have already stated that as regards the education staff and the medical staff there will be no retrenchment. As regards the other clerical staff it will be necessary for district boards to employ some additional establishment and ultimately I believe that the approximate number of people who will be thrown out of employment and that too temporarily will be on an average about one and a half for each taluk board. And there are 208 taluk boards. In the various discussions this morning, hon. Members have ignored the provision in the Act which lays down the conditions for recruitment both in the case of district boards and panchayats. I feel, Sir, that by applying these rules, we will be able to find places for a large number of these retrenched employees.

“ Another point this House and Government have to consider is that it is not possible off-hand to assess the financial implications of this amendment. I do not say I am opposed to the spirit of this amendment, but Government will have to consider what the implications will be before they could agree to have their hands tied by a legislative enactment of this nature. The various ways by which we propose to retrench the present employees in the district boards are to send out those who have reached the age of superannuation and those who have not yet been confirmed. In other words, those who are employed temporarily will be retrenched first. Then the question of retiring those who have completed 25 years' qualifying service will come in. Of course, they will have to be paid compensation and it has to be considered whether it would be cheaper and more desirable to send them out or to send some of the extra clerks in the taluk boards. We have to consider all these questions. We have to consider the interests of local bodies also.

“ My hon. Friend, Mr. Devadasan, has made a speech supporting the amendment. I believe it is only during the last five or six years that members of the Depressed Classes and backward communities have been

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sufficiently qualifying themselves to enter these local boards. I do not know whether my hon. Friend realized the implications of this amendment when he supported it. My hon. Friend, Mr. Pannirselvam, who has moved this amendment, cannot be said to be opposed to the claims or interests of backward and Depressed Classes. Nor can I think that being a clever lawyer as he is, he has moved this amendment without knowing its implications. Probably he is guided by the conditions existing in his own district. But from what I hear from people coming from the other districts, I believe I will not be wrong in saying that if we confine this retrenchment solely to the juniormost and retrench them according to the order of juniority, we will be really sending out members of the minority and backward communities who have been employed during the last few years. If, without further consideration and examination, Government are to accept this amendment, it might result in heavily increasing the budgets of district boards as most of these clerks who have put in 10 or 15 years service and who now occupy the higher posts in taluk boards will be on a much higher pay than other employees of local boards with equal service. By making a hard and fast rule like this, we might make the establishments top-heavy.

“Another doubt has been raised by several hon. Members as to the meaning of the phrase, ‘continue to be qualified and suitable for the post.’ For the benefit of those who have not attended the Select Committee where I explained the position of Government, I may repeat the argument that by qualifications Government do not propose to fix any educational qualifications for the first time now and give them retrospective effect in the case of taluk board employees. So there can be no objection. As a matter of fact, the amendment as it now stands makes the rule more elastic. I have heard the speech of Mr. Pannirselvam with great attention and I find that he has placed great stress on the fact that a good many of these taluk board employees were transferred from district board service and that it will be unfair to retrench them now, because their services in the taluk board would be very short. I do not know whether my hon. Friend will be satisfied if all those who have been sent from the district boards are protected. Of course, I have no authority, before a thorough examination of the position, to commit Government. But I may just indicate the directions in which we propose to issue the rules. As regards these establishments, we propose to prepare lists in the order of seniority in which the previous service of employees in district boards will be counted. (An hon. Member: If they have been in Government service?) That also will be taken into consideration. And in filling up vacancies, it will not be left entirely to the discretion of the district board. They will have to appoint these men in the order of seniority, unless any employee is found unfit or unsuitable to discharge the responsibilities attached to his post. Taking all these into consideration, it will be difficult for me to say whether in a year’s time or a couple of years’ time, all these people who are now retrenched will be absorbed.

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“ There seems to be another misapprehension that the moment this Act is passed all the taluk board employees will be thrown out. Although formal notice has been given that their services will be terminated from the 1st of March, Government propose that they should be retained in service for three months or given three months' pay in place of notice. That means that there will be three months' time before which Government can carefully go into the various problems involved and come to definite conclusions in framing their rules and pass orders. The point I wish to make is there is no immediate hardship caused in this respect and we hope to give the utmost possible protection to these employees consistent with the interests of local boards. The rule as now framed is very wide and gives ample powers to Government to frame rules and carry out the wishes expressed by various Members of the House to the fullest extent. Although I have explained that it will not be possible for me to accept the amendment, I may assure my hon. Friends that to the fullest extent possible Government will try to carry out the spirit, if not the letter of this amendment bearing in mind the opinions expressed by hon. Members. I therefore appeal to the Mover not to press this amendment to vote.”

Mr. A. RANGANATHA MUDALIYAR:—“ Sir, I have only one or two remarks to make on what the Hon. the Chief Minister has said with regard to this matter. Sir, we have to remember that it is the presidents of district boards who have to take work from their employees and not the Government sitting at the Provincial headquarters. If the president, district board, is responsible for the work of his subordinates, I think we must be ready to concede to him a certain latitude in regard to the choice of the people who have to work under him. If you press this amendment and insist on district board presidents appointing those taluk board employees who have been thrown out of employment, I am by no means sure that we will be doing these people whose interests we have at heart any good turn. People who have any experience of administrative matters know that the head of a department, has always certain means at his disposal to make things too hot for his subordinates and send them out. That is not at all a rare phenomenon. If we are going to force on these district board presidents men whom they do not want simply because according to rules of seniority or other rules they are entitled to places on district boards, what guarantee is there that these district board presidents after giving these men a chance or two, will not frame charges of incompetency, dilatoriness or something else and not merely dispense with their services in which case, they can get employed elsewhere but take the more drastic step of dismissing them which would render them ineligible for employment in any other place for ever. We have to remember this fact also, that the district board presidents should have the power of picking and choosing their own men in order that the work of the board may be carried on in the most efficient manner possible.

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"They have been trained for their respective pieces of work and one expects that they are even now qualified to continue to do their work. What you are going to do is to dislocate the work. You will be putting in people who will certainly take some time before they can adopt themselves to the requirements of the office. After all we cannot judge people merely by their experience and seniority. It is necessary that people who are going to employ them must have a certain amount of discretion; for some appointment they may require a young man; for other appointments they may require persons of ripe experience. I think that we should not fetter the discretion of heads of departments who, in my opinion, should be allowed some discretion. So, I would earnestly request the House to leave these matters to be decided by rules to be framed by the Government and not to put these things in the statute. It will be difficult to give effect to these amendments and they may defeat the very purpose we have in mind, namely, protection to the employees of taluk boards."

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil.

Mr. MUTHU CHETTIYAR said that he would suggest an amendment to the amendment before the House.

* The Hon. the PRESIDENT:—"Is the hon. Member suggesting a new amendment or an amendment to the one under discussion?"

Rao Bahadur P. C. MUTHU CHETTIYAR:—"Yes; an amendment to this amendment."

Mr. A. RANGANATHA MUDALIYAR:—"The hon. Member need not move any amendment now. He may give advice to the Government as to what they should do in this matter, that they should absorb these employees in all departments of the Government both Reserved and Transferred, without regard to the Services Commission Rules, etc."

* The Hon. the PRESIDENT:—"The amendment given notice of by Mr. Muthu Chettiyar now runs as follows:—

'The employees of taluk boards thrown out of employment by the abolition of taluk boards be given places in Government service.'

The amendment is totally out of order."

* The KUMARARAJA OF VENKATAGIRI:—"Sir, the object with which I rise now is to make a few observations, before I appeal to the hon. Mover of the amendment to withdraw it. It is not because I have no sympathy for those who will be thrown out of employment owing to the abolition of taluk boards, but it is because I have full faith in the assurance given by Hon. the Chief Minister. He will take sufficient care and give adequate attention to this problem and solve it in such a manner as to be satisfactory and as to achieve the objects the Mover of the amendment as well as various other speakers have mentioned. The Hon. the Chief Minister has assured the House that every care will be taken and that he would see that justice will be done. In the light of that assurance, I as one who received a mandate from my constituency

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to the effect that I should support the principle underlying this amendment, feel satisfied now that I need not vote for this amendment for the very simple reason that as a member of the party which is in power I should accept the definite assurance given by the head of the party that sufficient attention will be paid to this question. Now I feel, Sir, that I have no obligation on my part to vote for the amendment.

“ I feel, Sir, that there is no obligation on my part. On the other ³⁻³⁰
hand, I think it is an obligation on the part of every member of the ^{P.m.}
party to support the attitude taken up by the Hon. the Chief Minister. I have to make these observations for the reason that many of the members of the party who have received mandates, or at any rate, who are in great sympathy with the spirit underlying the amendment do not vote for the amendment, if for any reason it is to be put to vote. It is not because we are lacking in sympathy, but it is because we have implicit confidence in the Government and because we look to the Government to see that all the views expressed and the suggestions made on the floor of this House for the removal of grievances are given effect to in the same spirit in which the Hon. the Chief Minister has made his speech. I consider it unnecessary on my part to go into details after the very able advocacy of the cause for which I also stand, by my hon. Friend, Rao Bahadur Pannirselvam, who, whenever he speaks, speaks with authority and deals with the subject in such a manner as to compel attention to and agreement with his views. Sir, in view of the various difficulties pointed out by certain friends belonging to the minorities, I consider that this is really a complicated problem which cannot be solved on the floor of this House, and that it is better to leave it to the Government to solve it, particularly in view of the assurance given by the Hon. the Chief Minister. My hon. Friend, Mr. Appadurai Pillai, has dealt with the various aspects to the effect that the problem is not of such a nature as to make it impossible of solution. I therefore appeal to my hon. Friend to withdraw his amendment, after making any further suggestions to the Hon. the Chief Minister on the floor of this House.”

* Rao Bahadur A. T. PANNIRSELVAM:—“ Let me immediately state, Sir, that in moving this amendment I was not in the least degree actuated by any distrust of the Government or of the Hon. the Chief Minister. I need hardly say that, if there had been even the slightest distrust on my part towards the Hon. the Chief Minister, I should not be found speaking from this side of the House. In fact, Sir, the amendment which I have moved would show the trust I have in him of dealing fairly and squarely with the people whose fates he has to decide. Nor, was there any the least desire on my part to tie up the hands of the Government. In fact, I felt, Sir, that the provision in rule 8, as it stood, tied up the hands of Government and my amendment was going to unloosen the tie. The provision, as it stands, provides that taluk board servants shall go out and very many of them shall be absorbed once again. My desire was only to make the whole group into one,

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so that it might be open to the Government to see which among this larger group shall be immediately retained and which shall be sent out or rather be put on the waiting list to be absorbed in course of time as and when occasion arises. If I have laid so much emphasis on the necessity and the reasonableness of my demand, it is solely because of this that, whatever you might say, there is no running away from the fact that, as a matter of fact, the whole local board service is one. Till recently, the district board presidents could transfer taluk board servants from one board to another, from a taluk board to a district board and from a district board to a taluk board. Appointments over Rs. 50 had till recently to be sanctioned by the district board president and to-day the provident fund contributions for all local board servants have to be made by the district board president. Those were the reasons which led me to think that they were all members of one service and therefore there should be no distinction at this stage. Another reason also why I said that no distinction ought to be made was this, that to-day by this Act we are abolishing not merely taluk boards. What, in fact, we are going to do, except perhaps in the case of a few district boards which may not be immediately bifurcated—but, if as I expect, bifurcation is to work successfully they will also be bifurcated in course of time—what we are doing is not merely the abolition of the taluk boards, it means also the abolition of district boards as well. So, it is a matter of doing away with both the local boards and setting up in their stead what we might call a circle board; and it is merely an accident that we are retaining the name ‘district board,’ while in fact, they will not be district boards as they now are.

“So, Sir, it was not that we were not convinced by the arguments of the Hon. the Chief Minister or the statement of the Hon. the Chief Minister when he said that most of these servants who will under the Act be thrown out of office will, whether immediately or in the near future, be absorbed. We realize that fact and it is because of the desire to inconvenience as few as possible and to take in as many as possible, that we have made a specific provision to the effect that in all the future vacancies that should be filled up, none shall be appointed except those thrown out if any of them are qualified to fill the places and are available. I was only dealing with reference to that very few—it might be only a few—that are thrown out, but still the cases of these few persons also deserve consideration, if on the merits we thought their case was deserving more of sympathy than the case of the young men from the district board service who might be thrown out.

“Sir, another argument was advanced that the interests of the backward classes and the depressed classes might suffer by the acceptance of the amendment which I have moved. Far be it from me, Sir, to say or do anything which would affect adversely the interests of the depressed classes or for that matter of any minorities, and being myself a representative of a minority community, it would certainly not do for me to say anything which would adversely affect the interests of the

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minorities. It seems to me, there is no need for giving myself a certificate about my adherence to the principle of communal representation. That has always been the policy for which I have stood and wherever I have had an opportunity of exercising any little patronage, I have been always actuated by the principle of communal representation, not merely of the minorities but of the huge non-Brahman community that they should also have their share. But, if in spite of the fact that in certain districts—it might be just possible that members of the minority communities might, for the time being, be thrown out—I urged this amendment, it was only due to the desire that in claiming a right for a minority or for an unrepresented community, we should not consciously expose ourselves to the charge of doing an injustice to another community, even though it be the Brahman community. That has always been my motto, that in trying to do justice for ourselves we should not do an injustice to others.

“ If I say all this, it is not because I am not responsive to the very sympathetic and kindly speech which the Hon. the Chief Minister has now made and after that speech I do certainly think with all respect to my hon. Friend, the Kumararaja of Venkatagiri, that an appeal from him was absolutely unnecessary. If the speech of the Hon. the Chief Minister, with the promise he made of considering every point of view and with the power of implementing that promise, if that speech was not going to move me, the appeal made by the Kumararaja of Venkatagiri would certainly not move me. But, before I say anything further on the point, there are just one or two suggestions which I should like to make. You are going to throw out all taluk board servants—not all of them, but a few of them and those that would be as a matter of fact retained, I believe, would be the people on the lower scale of pay, people who are dealing with the branch of education and my hon. Friend, Mr. Appadurai Pillai, who seems to be in the secret, said that clerks dealing with communications also will be absorbed immediately; but they are all ordinary clerks in the lower grades of pay. So, the seniormost clerks in the taluk boards and those in the higher scale of pay though they are likely to be immediately affected, it is presumed they will also be taken back at as early a date as possible. May I therefore suggest to the Government that it should not be thought to be a favour done to them that they are taken back, but some plan should be devised by which they will be fitted in into the district board service in as high a pay or into a pay which would correspond as much as possible to the scale of pay that is now being drawn by them. In saying this I do not forget or overlook the statement made by the hon. Member from Coimbatore that some taluk boards have been arbitrarily and unreasonably fixing a very high scale of pay. The rules to-day do not prevent the Government from altering that scale; the whole thing is in their hands and in fixing the scale of pay for such of the senior clerks as might be taken back, I only hope that the Government would so fix the scale as would without any injury to public finance fit in with their present scale of pay as well.

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"There is just another suggestion which I wish to make and that is this. To those of the servants of the taluk boards who would immediately be thrown out of office, would it not be possible for the Government to give them an alternative about withdrawing their provident fund immediately, or continue to wait till they are absorbed again, the intervening period perhaps being treated as leave on loss of pay, so that there might be absolutely no interruption in their service. And, if they are clerks entitled to pension and not to provident fund, some such arrangement can be made by which they are not actually thrown out at once, because when once they are told off, Government might frame rules—and Government will certainly interest themselves in the matter for a few months at least—but if there is to be any delay, the matter will ultimately devolve on the district board presidents and there is the possibility of some of these people being overlooked. If, on the other hand, some of them desire to have their name in the list, without any financial commitment on the part of the Government, the Government may allow their provident fund contributions to continue with the local boards or delay their right to claim proportionate pension, or some such thing, as they think fit, so that they would at least have the feeling that they are still in service. They are not given any pay because they are not doing any work and they are not doing any work because they have no work to be done. The moment the work is available, they would have the place. That would give them at least a sort of encouragement to get on with during the intervening period.

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p.m.

"Just one word, Sir, about what the hon. Member from Bellary said. Naturally in saying anything about a speech made by a gentleman of that ripe experience, one has to be rather careful. But I would only warn the Hon. the Chief Minister not to listen to his advice about leaving things in this confused state to the person who has to extract work from them. Because, after all, who are the persons that are going to extract work from them, and what is the state of things you are going to have? These district boards, most of them, are going to be bifurcated. Who shall be sent out to the other district board and who shall be retained in the existing district board? Who is going to decide this question? And are we not going to have in each district many difficulties on this question? In one board, servants whom that particular president wants may be retained, and all the undesirable members of the establishment, and all those that are not wanted by him may be sent out to the new board, the board that is really to be put into action, which is to be set on the wheels so to say, whose president is still unknown, who will have yet to be elected? On him will be thrown all the refuse of the district boards. (Mr. A. Ranganatha Mudaliyar: 'Is bifurcation to be the rule then?') That is the assumption on which we have been going these three days and if the hon. Member from Bellary thinks otherwise, I can only say that I have not been able to follow it in the same spirit in which he has followed it. Sir, I certainly must express my sense of indebtedness to the Hon. the Chief Minister for the deference he has shown to my view and the promise

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he has made for himself personally that he would see to it that the district board servants who have been sent out to the taluk boards, or rather the persons who were once in the district board service and have been subsequently sent out to the taluk board service, would be specially considered. I may say, Sir, that when I said that, it was not with a view to get special protection to particular individuals. I only mentioned it in passing, my object being to demonstrate that all the units constituted one service. It is no question of any personal satisfaction to me, and I can assure him that in this matter my action is wholly impersonal. Having said that, Sir, as I said to begin with, it would certainly not be fair on my part to insist on going on with this amendment. I am doubtful, Sir, and I would bow to your ruling in the matter as to whether I would be absolutely within my right to withdraw the motion, when there is another gentleman who has given a motion for adjournment of it and who probably would have moved the original amendment itself in some other shape if I have not moved it. Subject to that, Sir, I do not feel the least hesitation in requesting you and the House to give me permission to withdraw the motion."

The amendment was, by leave, withdrawn.

* The Hon. the PRESIDENT:—"I believe all the other amendments on rule 8 have been covered by this amendment, and I will therefore put rule 8 to the vote of the House."

Rule 8 was put and carried.

Rules 9 to 13 were then put and carried.

Clause 53.

* The Hon. the PRESIDENT:—"In connexion with clause 32, yesterday, Mr. Ramalingam Chettiyar moved an amendment and the Government promised to bring in another amendment to convey the idea contained in that particular amendment. Accordingly Mr. Conran Smith has given notice of an amendment under clause 53. We have now to reopen clause 53 and incorporate that amendment in that clause, and later on put clause 32 to the vote of the House."

* Mr. E. CONRAN SMITH:—"Mr. President, Sir, I move the following amendment in clause 53:—

'In line 3, of sub-clause (ii), for the words "a village" substitute the words "the village".'

'For sub-clause (iv), substitute the following sub-clause:—

"(iv) in sub-rule (2) of rule 1-A—

(a) in clause (a), the words 'or taluk' shall be omitted;

(b) in clause (m), the word 'and' at the end shall be omitted;

(c) after clause (m), the following clause shall be inserted, namely:—

'(mm) contributions to joint committees constituted under section 30 for any purpose

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in which the panchayat is jointly interested or for any matter for which it is jointly responsible with any other panchayat or panchayats; and' and

(d) *in clause (n), for the expression 'rules 1-B and 1-C,' the expression 'rule 1-B' shall be substituted.'*

I need not, I think, explain to the House that the major portion of this amendment is devoted to the redrafting of the clause consequential on the amendment which I have moved. The important portion of the amendment is clause (mm). This amendment is designed to achieve as far as possible the object of the amendment which was moved yesterday on the floor of the House by my hon. Friend, Mr. Ramalingam Chettiyar. I am sorry Mr. Chettiyar is not himself in the House to-day, but I trust that the amendment which I am now moving will be found acceptable. I am not sure whether I fully understood the intentions or the implications of the amendment which Mr. Ramalingam Chettiyar moved. If he intended to provide for a federation of panchayats as a body corporate with general administrative powers and functions, then the amendment is unacceptable, because it is inconsistent with the spirit and the intention both of the amending Bill and of the Act. I do not think however that was the intention of my hon. Friend; I think from what he stated in his speech on the floor of this House, that he merely desired by his amendment to make it clear that two or more panchayats could join together for purposes or objects in which they have a common interest and could provide funds for those purposes or objects. Such a common purpose might be the execution of some important work, or it may be the appointment of a sanitary staff or an overseer. The difficulty which I think has been felt in this connexion under the present Act has been concerned with the provision of funds and the important portion of my hon. Friend's amendment was, I take it, to make possible such provision of funds for carrying out common purposes. This object is achieved by the amendment which I have just proposed since it makes it permissible for a panchayat to make contributions for these common purposes. Furthermore, if hon. Members refer to Schedule V, I-A, sub-rule (2), they will find that the sub-rule gives Government power to make rules, and that power can be utilized for the purpose of regulating these contributions and the works for which they are intended. Finally, I would draw the attention of hon. Members to new section 69-B in the Select Committee's Bill which definitely empowers two or more panchayats to appoint the same person to exercise or discharge any powers or duties of a similar nature for both or all of them. I trust therefore that this amendment which I now move would meet the object which my hon. Friend, Mr. Ramalingam Chettiyar, had in mind, and that the House will regard it as acceptable."

Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, in seconding this motion, I have only to add that there are difficulties in the way of accepting the amendment of Mr. Ramalingam Chettiyar. The Act

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provides three sets of corporate bodies, panchayats, taluk boards and district boards. If the amendment is accepted, there will be a new corporate body composed of two distinct corporate entities. What are its powers, liabilities, obligations and finances? All these will be complications. The difficulty was pointed out yesterday. But, however, although it may be conceded that the present amendment moved by the hon. Mr. Conran Smith does not exactly achieve what all may be desired if the federation is accomplished, still the amendment goes a long way. The original Act enabled joint committees not only wherever two such bodies desired, but also where the Government points out the necessity, it shall appoint a joint committee for the purpose in which both are jointly interested. The new clause introduced by the present Bill, 69-B, enables servants common to more than one body to be appointed. Now the present amendment moved by the hon. Mr. Conran Smith, that is, clause (mm), enables diversion of funds of both the panchayats although the joint committee will be unable to function and the fund will be spent properly. This will go a considerable way in achieving the object, and I second the amendment."

The amendment was put and carried.

Clause 53, as amended, was put and carried.

Clause 32 was then put and carried.

The preamble was put and carried.

The Hon. the RAJA OF BOBBILI moved—

"that the clauses of the Bill be renumbered serially."

Mr. E. CONRAN SMITH:—"I second it."

The amendment was carried.

* The Hon. the RAJA OF BOBBILI:—"Sir, I beg to move—
'that the Bill, as amended, be passed into law'."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

Mr. K. P. RAMAN MENON:—"There is a rule, Sir, that there should be three days intervening before this motion can be made."

* The Hon. the PRESIDENT:—"The rule is like this:

'48. (2) If any amendment be made, any Member may object to the passing of the Bill at the same sitting; and such objection shall prevail, unless the President, in the exercise of his power to suspend this order, allows the Bill to pass.'"

Mr. K. P. RAMAN MENON:—"Amendments have been moved and some have been accepted and some carried. And so I submit, Sir, that three days should elapse. Mr. Muniswami Nayudu who made a particular study of this matter has been ill and could not attend this sitting. Not that he may be able in any way to effect any change in the Bill. But I take it the House would like to have his views on the various important clauses that have been passed. That can be done only if he is allowed to be present."

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4 p.m. * The Hon. the RAJA OF BOBBILI:—"My hon. Friend is mistaken, Sir. In the third reading, we can bring in only drafting or verbal amendments. As far as the House is concerned, they have not carried out any material or far-reaching changes. No doubt, one or two substantial amendments have been carried out but they are only to restore the original clauses as introduced by me. I therefore consider, Sir, that no case has been made for observing the usual rule and this is a fit matter for you to use your discretion."

* The Hon. the PRESIDENT:—"As a matter of fact, the hon. Member has not objected and the necessity for the exercise of my discretion does not arise."

Mr. K. P. RAMAN MENON:—"I am sorry, Sir, if I did not make myself clear. I object to the third reading going on when some substantial amendments have been made. We, as a minority party, have to see the effect of the amendment and must have our own say on the amendments."

* The Hon. the PRESIDENT:—"With regard to the amendments, substantial amendments have been made, in some cases by common agreement in the House. As such, I do not think there is any necessity to go into them during the third reading. I therefore feel that I should overrule the objection and allow the motion to be discussed."

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I only wish to congratulate the Hon. the Chief Minister for the great patience with which he has piloted this Bill in this House. I should congratulate on his patience not only in this Council, but also in the Select Committee, of the Council. In the Committee stage, it required more tact to get through the provisions of this Bill and I can easily say that but for the very accommodating nature and tact of the Raja Sahib, the report could not have been as unanimous as it has been. It is due to his good work that the easy passage of the Bill in the Council is responsible. This measure is a great experiment and it has been opposed not only by some Members of the Council, but by the public, by the employees and by the many presidents and vice-presidents of the taluk boards. It is natural that they should have opposed this for fear of losing their seats in the respective bodies. But I am sure the Justice party and the Minister came forward with this Bill with the best intention of saving these local boards. As the experiment has not been a great success, we consider this a very useful experiment that has now been made and being coupled with the establishment of more district boards in the Presidency, it is also being welcomed by many persons in the Presidency. I am sure this Bill will be made into law and be approved. I should associate the name of Mr. Conran Smith with this Bill. Mr. Smith has taken great pains and during the time Mr. Smith has been the Secretary, many experimental measures regarding Local Self-Government institutions have taken place. They have been criticized and he has withstood those criticisms. The measures so far passed have been very beneficial. I have very great pleasure in moving that the Bill be passed into law."

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* Rao Bahadur C. NATESA MUDALIYAR:—"I really congratulate the Hon. the Chief Minister for having piloted the Bill so beautifully. Somehow or other, Sir, he has the credit for bringing in a Bill which on introduction is opposed all over the Presidency. In the Council almost everybody seemed to oppose it. But when it came to the Select Committee, he makes it so palatable that when it comes out to the Council again everybody appreciates it and congratulates the Hon. the Chief Minister. Even in the other Bill, the Estates Land Act Amendment Bill, he sacrificed his own community for the sake of the ryots. He forgot he was an aristocrat; the aristocrats became nothing and the ryots had everything in that Bill which was passed into law the other day. Although he had the necessity of abolishing the taluk boards, yet he saw that nobody was affected by that abolition. So, I would describe him as one with an aristocratic superstructure with a deep democratic foundation. (Laughter.) During his Ministry, I am sure the country will achieve many things that are useful to the people. So, I congratulate the Raja Sahib. In addition my congratulations are also to his able lieutenant Mr. Conran Smith."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Sir, really the Hon. the Chief Minister deserves the congratulations for the able way in which he has conducted and piloted the Bill in this House. Of course, it requires rare courage and his courage of conviction is really admirable. As has been said by Mr. Natesa Mudaliyar, he could make an apparently unacceptable thing really acceptable. Therefore, Sir, I congratulate him and also the Secretary who was of great use. Mr. Smith has done so much for putting the Bill in form."

Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, Sir, it is not want of appreciation of the able manner in which the Hon. the Raja of Bobbili has piloted this Bill that makes me warn against the possible consequences of this measure. I do not know, Sir, if this House has realized the consequences that will result by the abolition of the taluk boards, by displacing as many as 2,000 to 3,000 honorary public men who would help us in the matter of training people for political education and administration and also for displacing as many as 2,000 employees employed in the taluk boards and only making provision for a few of them under very uncertain conditions and also for the abolition of the village development fund. As I have said in the preliminary stages of this Bill, the Hon. the Raja of Bobbili is taking a very, very serious step in the matter of local self-government institutions. It would almost appear as if we are to-day tolling the deathknell of the local self-government institutions in this Presidency. (Hear, hear.) There is no good of deriving satisfaction from the fact that other presidencies also are in the process of abolishing the taluk boards. Probably having regard to the excellent record of public work of the Madras public, the other presidencies are under the impression that the Madras public would not take step without considerable deliberation and that therefore they would be doing the right thing, if they are guided by the Madras public. They are perhaps not aware of the changes that

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have come over the Madras public and the actual absence of public opinion on many matters of recent days. That accounts for other Presidencies also following the Madras public in the matter of the abolition of taluk boards. I need not personally feel sorry for the abolition of the taluk boards, if only the alternatives that are provided in this Bill are going to give us more powers and more benefits which the public have got a right to expect from the Government. The original idea for the necessity of the abolition of taluk boards was due to the inadequacy of funds. I do not think, Sir, in the juggling that was performed either by the Select Committee or subsequently by the Council, they have increased the resources of these local bodies, whether they are going to be taluk boards or whether they are going to be divisional boards. As a matter of fact, the Hon. Minister and those who spoke in favour of this Bill have been significantly omitting to make any reference to the increase of revenues consequent upon the present changes. The financial position being as it was, I do not know how any good can be derived by these alterations. Well, Sir, if the taluk boards are considered to be a fifth wheel in the coach and their abolition is going to ease matters, and bring these local self-governing institutions in more contact and touch with the people, I should certainly be very glad. And if the abolition of the taluk boards is going to be an encouragement for the creation of village panchayats and of their duties to the public, I should certainly be glad. But, having regard to the material that we have got in the village panchayats, I am really pessimistic of the results which are expected by the mere constitution of the village panchayats without the intermediary supervision and assistance of the taluk boards. Apart from this, the constitution of the redistribution of the taluk boards is a matter of speculation, though the Raja of Bobbili has said that he will be guided by certain definite considerations, namely, adequacy of finance, compactness of the area, geographical considerations and other administrative conveniences. Well, these are big comprehensive terms and it is possible to give room to a good deal of criticism. Added to that, I am very sorry that the old evil of nomination is allowed to remain even for a transitory period of two years, in the boards that are going to be reconstituted. However much I do not like to refer to the relationship of the new boards to the impending elections, it is impossible to think, Sir, that these new boards will not be used for the purpose of election campaign. Well, Sir, the bane of the local self-governing institutions has been that they have been hitherto used as the bases of election operations. If only the Party Government and the parties had allowed these self-governing institutions to remain without being touched by party politics, they would have certainly acquitted themselves more creditably and more honourably than they are able to do. It is because of the interference of the inward corruption of these local self-governing institutions, it is because of the interference from the headquarters either from one party or the other that these institutions have been reduced to the plight in which they are to-day. If only to-day, a Commission is set about to investigate into the conditions of these local self-governing institutions,

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apart from the inadequacy of finance, it would not be a surprising thing if the findings of that Commission would be that their work was being interfered with by the Government at headquarters. May be the intention was very good when the Government interfered. But, it is impossible to resist the conclusion that in all matters they have been considered solely by considerations of efficiency and honesty of the local self-governing institutions. Instances have not been wanting that a certain discipline which might have been enforced by the Government in respect of one municipality is suspended in the case of other municipalities or other self-governing institutions for considerations other than that which would possibly be put on paper.

“ I therefore fear, Sir, that these new boards might be used for the purpose of election. And it is rather a very disconcerting news that reached us that, even before the taluk boards are abolished, even before this Bill is made into an Act, the Government have announced that a certain gentleman belonging to this House has been appointed as an inspecting officer with regard to the reconstitution of these boards and other things. It is a rather surprising act of the Government. I have never known that, pending the passing of an Act, an appointment is made to investigate into the conditions which will result by the passing of the Act, certainly anticipating the assent of His Excellency the Governor, apart from anticipating the decision of this House, which, perhaps they may take for granted. But I do not know how they are going to fetter the opinion or the sanction of His Excellency the Governor and His Excellency the Viceroy by appointing an officer to do acts which are contemplated in a Bill which has not yet received the assent of His Excellency the Governor or the Viceroy. Granting that an officer of that type is necessary, where is the necessity, Sir, to appoint a person from among the members of this Council? Is the Government Secretariat so devoid . . . ? ”

The Hon. the RAJA OF BOBBILI:—“ May I rise to a point of order, Sir? Is the hon. Member talking on the merits of this Bill or is he putting forth the arguments which he ought to reserve for the Budget discussion? ”

MR. SAMI VENKATACHALAM CHETTI:—“ I do not know the relevancy of the Budget to the third reading of this Bill. That apart, I thought the appointment was made in advance on account of the anxiety for reconstituting the boards as a result of this Bill. If the Hon. Minister is in a position to contradict or deny that statement, I shall not make any reference to that appointment.

“ Sir, in view of the steps that have been already taken by the Hon. Minister for carrying out the objects of the Bill now being passed, there is naturally consternation in the minds of the people that, after all, the provisions and the powers that are given to the Government under this Bill, may not be used only for the benefit and efficiency of these local self-governing institutions. Sir, it is no doubt, as I said, a very serious piece of legislation which the Hon. Minister has undertaken. If, as he

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hopes, this will result in the greater efficiency of local self-governing institutions, my sympathies and good wishes are entirely with him. But, speaking for myself, as most of the Members of my Party think, I do not think that will be the result. I am only sorry that such an important piece of legislation should have been hurried through in the manner in which it has been done. It has become a common feature, with this Legislature particularly, to hurry on very important legislation and bring in amending Bills soon after. I know whatever may be the delusion under which his party members are labouring, there is still considerable dissatisfaction with regard to this measure which the Hon. Minister has sponsored. I congratulate those chivalrous Gentlemen who, despite their convictions and their own opinions, do not want to desert or give the go-by to that party but are standing by the Hon. Minister. Well, Sir, that chivalry and that courage is worthy of a better cause than the abolition of taluk boards. (Ironical laughter from the Ministerial Benches.) Well, Sir, we can afford to laugh, because after all, we are not going to be affected. But future historians will record whether this legislation brought in the millennium the Minister and some of his supporters have in view."

* Rao Bahadur A. T. PANNIRSELVAM:—"Mr. President, to begin with, let me enter a caveat on behalf of the 2,000 members of the taluk boards against the unworthy motive of selfishness attributed to them by the hon. Member, the Kumara Raja of Chettinad, for their opposition to the Bill. The bane of public life in our country, and in our Province in particular has been that on no little matter whatsoever can anyone differ from another without having some sort of vile motive attributed to him. And here is a case of selfish motive being attributed to their opposition to the passing of this Bill. I can only say, Sir, that, speaking on the floor of this House, the Chief Whip of this Party should ever have adopted such a light attitude in respect of an important matter like this and in reference to 2,000 respectable people of the Province people who have been elected by the masses to represent them in the various local bodies. It is no secret, Sir, that . . ."

Mr. M. A. MUTHIAH CHETTIYAR:—"A word of personal explanation, Sir. I wish to assure the House that I did not mean any insult to any member of the district board or of the local board. I only said that I would remind the House that it is only human nature that the large number of people who have been aggrieved over this measure should oppose it. I do not think that I, in any way, deprecated the opposition of the members of the taluk boards."

* Rao Bahadur A. T. PANNIRSELVAM:—"Well, I am glad that the hon. Member, the Kumara Raja of Chettinad, has assured these two thousand and odd people that no insult was meant to them. I am happy that to that extent, I have misunderstood him, because I was going to say what motive will be attributed to me for the consistent opposition which I have put up towards this Bill. It is no secret either to this House or to the Hon. the Chief Minister himself that, personally, I feel that it is a huge experiment that he is making.

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“ Next, Sir, turning to the hon. Member from the City of Madras, well, I suppose the moment he gets on his legs on any matter, we should be prepared for a sermon and, this being, so to say, a ceremonial occasion, we should not have any cause for surprise if this has been no exception. That he, representing the premier Corporation or the premier local body of the Province whose representatives do not miss any opportunity of putting themselves forth as the model for the representatives of the mufassal local bodies to follow, should take this occasion again to think of preaching a sermon, is not unusual. He said that local bodies were being used or that this was one of the measures intended to use the local bodies as electioneering agencies. If that had been the intention of the Hon. the Chief Minister, I can only say that he has gone about it completely the wrong way. By this measure, instead of having 10 or 12 electioneering agencies in every district, he is reducing them to one or at the most two or three. If that was his motive, I believe the Hon. the Raja of Bobbili has acted in a manner which is certainly not consistent with what we know him to be.

“ Next, reference was made to the appointment of the special officer and surprise was expressed that the appointment should have been made even before the Bill had been passed into law. I should have thought that no administrator would be worth his salt if he could not foresee events even by a few days. The appointment was published in the Gazette the day before yesterday. Did anybody think that between then and this day there was any the remotest chance of this Bill being thrown out or not passed into law almost in the form in which it emerged from the Select Committee? ”

MR. ABDUL HAMEED KHAN:—“ In spite of your opposition.”

RAO BAHADUR A. T. PANNIRSELVAM:—“ Yes, in spite of my opposition. I really see nothing in this appointment being made some time before the election, the object obviously being one with which, the hon. Member for the City of Madras would agree, if he would only think over it for a moment, viz., that the new boards should be brought into existence or the provisions of this Act should be put into force at as early a date as possible.

“ But the most surprising thing was that the hon. Member from the City should have referred to the vetoing power which is vested in the Governor and the Viceroy. That he should have, for a moment, become so unnationalistic as to suppose that in a Bill which refers wholly and exclusively to local self-government which is entirely within the province of the Transferred Half, any Governor or any Viceroy is going to interfere, that that fear should have emanated from a gentleman of the reputation of Mr. Sami Venkatachalam Chetti in the nationalistic circles and that he should have hinted at it, seems to be the most surprising thing of all.”

MR. SAMI VENKATACHALAM CHETTI:—“ By being a nationalist, I do not cease to be a constitutionalist.”

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Rao Bahadur A. T. PANNIRSELVAM:—"As a constitutionalist, Sir, he ought to have known what the constitution is. He ought to have read it in the spirit in which it ought to be read and he should have known that the constitutional Governor and the Viceroy we have the good fortune to possess would certainly hesitate to withhold assent to a Bill which has been passed by a majority in reference to a matter which is exclusively within the province of the people.

"Then, Sir, coming to the merits of this Bill, I certainly join in the chorus of praise that is sought to be showered on the Hon. the Chief Minister for the courage with which he has conceived this Bill and has sought to push on with it. To me, it seems, Sir, that he is making an experiment of a tremendous magnitude the consequences of which might prove very useful as he hopes, or might prove very disastrous as I fear. And I reserve my congratulations about the wisdom of the Bill itself to a later period when, as I wish—and none would be gladder than myself—this experiment of the Hon. the Chief Minister should prove a success. I reserve my congratulations for the day when this measure of his which will revolutionize the whole local self-government constitution, which, though in name only an amending Bill, goes to the root of local self-government in this Province and which in its magnitude and in its scope certainly goes far beyond any other Bill that has been passed in this House, proves to be a success. Compared with this, I should think, the Act of 1930 was merely a tinkering with the whole constitution. Here everything has been uprooted and new things are going to be put in their stead. I am sure that the Government have given their best thought to it. The Hon. the Chief Minister with the expert advice behind him and with all available opinion behind him has certainly better facilities to come to conclusions in the matter against which my conclusions, based on *a priori* grounds as it were, on account of my prejudice for institutions in the shadow of which I had the privilege of serving and which might have clouded my judgment, might not be of much weight. Anyway, I congratulate him on the courage he has displayed in forging this Bill and on the tact and patience with which he has got it passed intact.

"In conclusion I may state that my opposition to the Bill and whatever I might have said, whether in the House, or in the privacy of the Hon. the Chief Minister's room, or in party meetings, were said only in the best interests of local self-government and solely with a desire to extend what little help I could, with the little experience I have in local administration, in shaping the Bill into proper form."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, it is but proper that an opportunity should be given to the Council to express its final view on a matter like this: and I have no hesitation in associating myself with the sentiments expressed by my predecessor in complimenting the Hon. the Chief Minister on the way in which he has piloted this Bill to its successful termination. But, Sir, at the same time I feel I would be failing in my duty if I do not say a word or two showing how far this Bill has

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been a success. If we go back into the history of local self-government legislation in this Province we would find that we have been for the last so many years, so to say, leading a hand-to-mouth life, by bringing in one Bill after another, giving a touch here and a touch there to the local self-government institutions. And what is the result? One cannot say what result has so far been achieved. Because with the coming into power of one Minister after another, we see one Bill or another. Originally we had roughly one taluk board for each taluk. But by the Act of 1930 it was declared that a taluk board should ordinarily be created for each revenue taluk, with the result that the number of taluk boards increased from 130 to 208. That Act also introduced the levy of an obligatory land-cess of one-anna in the rupee. Then came the abolition of the tolls, which deprived the district boards roughly of 50 per cent of their annual income. Originally motor buses were contributing a substantial sum to the funds of district boards in the shape of licence fees. But as a result of the Motor Vehicles Taxation Act, this income disappeared, and with it came financial stringency, and so this Bill has been brought to tide over the difficulty. Every time a Bill was brought before the House it appeared that that was brought with a view to secure a party advantage, and so it was opposed by the Opposition Party, but still the Government carried the day. And not content with this, it seems the Government are going to bring forward a Bill for the levy of tolls on non-motor vehicles. This is the result of the agitation that has been going on for some time past! I wish the Hon. the Chief Minister would not rest on his oars, having piloted this Bill through the Council, but would bring a comprehensive measure which would remove all the defects.

“ My friend from Tanjore deprecated the idea of attributing motives to Government in not having taken the Council into their confidence in appointing the special officer, which was very recently made. Here I would appeal respectfully to the Hon. Gentlemen in the Treasury Benches to extend to us the same courtesy, which we show them, and to believe that we are actuated in our proposals by the same motives of charity like them, and so I request them to take us also into their confidence. For example, the Hon. the Chief Minister assured us that he would take the earliest opportunity of appointing executive officers to district boards. In this Bill provision for such a thing could have been easily made. The House may remember that, when I had the honour and privilege of piloting a Bill for the appointment of executive officers to municipalities I had a similar Bill with regard to the district boards. I did not then propose to introduce that Bill (A voice: Why?) for obvious reasons. Because I knew it would raise a storm of opposition from certain quarters; already the other Bill raised a cloud of opposition from the chairmen of municipalities and so I thought I had enough trouble, and so I did not want to aggravate it by bringing in the other Bill. (Laughter.) But what guarantee is there now that the Hon. the Chief Minister will or will not bring a Bill for the appointment of

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executive officers to district boards? It may be that he has a Bill already in his file; or it may be he has not. How am I to know that, unless he gives us a gesture. That is why an attempt was made to recommit the Bill to the Select Committee. Time was when the Members of the Treasury Bench courted the least pleasure from the Opposition, and I hope those days are not altogether gone. I hope there will be plenty of opportunities hereafter when possibly Members of the Treasury Bench would be profited by the help and suggestions of the Opposition. Having said that, let me now come to offer my praise to the Hon. the Chief Minister for the way in which he has piloted this Bill to its successful termination, and I hope he would not rest on his oars now, but will bring, as I said before, an all-comprehensive measure removing all the defects in the Act."

* Dr. P. SUBBARAYAN:—"Mr. President, Sir, I am glad that the Hon. the Chief Minister has been able to pilot this Bill through the Council, even though, as Mr. Pannirselvam pointed out, I myself had my own doubts whether this was the proper method of tackling the financial stringency in which the local boards find themselves at the present moment. But I am glad he has been able to convince the majority of this Council that this was the only step which might save us from the situation, in which we find ourselves to-day. I am sorry that an amendment was carried late last evening, by which power has been given to Government to nominate members to the new boards to be constituted by bifurcation in excess of the 25 per cent of the total seats, as is provided for in the original Act; and I hope this would not be utilized to reap any party advantage. I know the Hon. the Chief Minister mentioned yesterday, I am thankful to him for that, that it is not his intention to do so, and I am sure, being what he is, he would keep his word. (Laughter.) But still there is a feeling abroad that this power which has been vested in Government might be used for purposes of party advantage. As I have said before, knowing the Hon. the Chief Minister as I do, I am sure that he for one will not be a party to any such movement on his side. But I know the difficulties, having had myself some experience of these matters while being Minister for Local Self-Government. (Laughter.) People will come and try to influence him in any manner they could in order to reap an advantage. But from what I have seen of the Hon. the Minister during the last two years, I can say that he is not a person who would yield to any of these pressures. (Hear, hear.) Because I know he is a strong man. I am glad to see Mr. Pannirselvam laughing, because he knows himself that he is one of the worst sinners in this respect. (Laughter.) When I say this, I say this from my own personal experience. (Laughter.)

"Mr. President, I must say the Hon. the Chief Minister will not make any difference in the principle of bifurcation of district boards as between one board and another, and I hope he would resort to bifurcation only in such cases where he feels that it is necessary in order to

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strengthen the administration and to make the administration run smoothly. Even now, I feel sure, if only the Hon. Minister will watch the events and see whether it is not possible to place the functions of the abolished taluk boards in the hands of the existing district boards themselves and thus carry on the administration without bifurcation, he can do so; and I hope he will follow that step. But if in any case the work involved is such that it is necessary to bifurcate some of the district boards, I hope it will not be done as to gain any party advantage either for one side or the other. I see Mr. Pannirselvam nodding his head. (Laughter.) I am not a person who can divine the thoughts of others from their mere nods. (Laughter.) (Mr. Pannirselvam: What would you have done?) If I had the power, you would see what I would have done. (Laughter.) Obviously Mr. Pannirselvam dissents from me, because as I have said, he is one of the worst sinners and it is probably because of that he dissents. (Laughter.)

“ Mr. President, I hope also, the hopes with which the Hon. the Chief Minister piloted this Bill will fructify in the near future, and as Mr. Ranganatha Mudaliyar mentioned he will find methods by which Local Self-Government may be placed in a position as to show to the other parts of this country how Local Self-Government can work to the advantage of the people at large.”

* The Hon. the RAJA OF BOBBILI:—“ Mr. President, Sir, I wish gratefully to acknowledge the congratulations and advice I received from various parts of the House. I do not think this is really an occasion to speak in detail on the merits of the measure, which we have already discussed at great length from all sides of the House. No doubt we have been responsible for formulating various proposals introduced in this Bill. Sir, if we have successfully piloted this Bill through this Council in spite of the vigorous opposition at certain stages—I must say, Sir, to this the credit must be really given to my party which has loyally stood behind me.

“ My hon. Friend, Mr. Sami Venkatachalam Chetti, has made certain remarks. In all the speeches I have heard from him I must express my disappointment, in that I do not find any constructive suggestion at all. (Laughter.) And so I must come to the conclusion that he can only play the role of a destructive critic. No doubt his speech exhibited a good deal of disappointment, because, according to him the role of the opposition is always to oppose and see that there is disruption in the party. No doubt he has expected, hoped and prayed (laughter) that on this question there will be split in our party; but now he is disappointed as his expectations have not been fulfilled. He has also stated that the Bill contains retrograde and undemocratic provisions. I am afraid his knowledge is really out-of-date, as he has not been following the discussions on the floor of this House during the last three days, since he was away from here. I remember he has stated that in spite of opposition, the Village Development Fund has been abolished. If he

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had been present in the House he would have seen that the proposal in the Bill as adopted by the Select Committee was altered with almost the unanimous vote of this House. But personally I think there is scope, as I have already said before, for difference of opinion in the matter on various points. But taken as a whole I feel this Bill has been a reform in the right direction.

“ Mr. Sami Venkatachalam Chetti has stated I don't know whether he was himself misled, or whether he wanted to mislead the House, I don't know which (laughter)—that this measure was introduced for political purposes. (Mr. Sami Venkatachalam Chetti: ‘ I did not say like that.’) Certainly he said so.”

MR. SAMI VENKATACHALAM CHETTI:—“ On a matter of personal explanation, Sir, I never said that this Bill was brought in for political purposes. As a matter of fact what I said was that we should centralize power for substantial reasons only, and that, I said, was not realized by not making any provision to augment the resources of these bodies.”

* THE HON. THE RAJA OF BOBBILI:—“ Sir, I remember, the hon. Member has clearly stated that the effect of the new bifurcated district boards would be that these would be used for political purposes. Anyhow, I don't want to pursue this point any further. In fact any Minister who feels that he is going to have political advantage by carrying a measure against vested interests would be foolish indeed. It is only after coming face to face with the problem of local self-government and after feeling that matters are coming to a crisis that I have decided to bring forward this measure, which no doubt introduces, as some hon. Members characterised, revolutionary changes in the structure of local self-government.

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“ I have also been encouraged to introduce this measure, in spite of opposition which I was sure would be forthcoming from certain quarters, because I was assured of the support and loyalty of my party. In this connexion I may state with pardonable pride that history will show, not as expected by my hon. Friend, Mr. Sami Venkatachalam Chetti, but that this is one of the achievements of the Justice Party. As we are on the eve of great political changes and as greater responsibilities are devolving on the shoulders of Indians, I feel no constitutional Government will be successful without party loyalty which my hon. Friend, Mr. Sami Venkatachalam Chetti, has styled as ‘ muzzled party ’ or ‘ well-drilled party ’ and so on. I do not feel without party loyalty any constitutional Government will be successful and any Government will be able to pilot any measure that cuts across the vested interests. I therefore feel that if any credit is to be taken for piloting this measure, it is due to my party and I feel therefore that this party will set an example, as Madras has always done, to other Provinces in India.

“ Coming to the main features of the Bill, various hon. Members sitting in the Opposition no doubt look to the measure from the point of

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view of their own districts. I may assure them that this is no party measure. This legislation is introduced in the interests of the Province as a whole and either in bringing the provisions into force or in administering the Act they will find that this Government will deal with the matter in the interests of the Province and not for any political or party purposes. In conclusion I once again wish to acknowledge the valuable assistance rendered by the Members of the Select Committee during the Select Committee stage, and by the Secretary to the Legislative Council for the expeditious manner in which he has helped me in pushing through this measure without any delay. Before I close my remarks it is my duty to acknowledge the valuable services rendered to the Government in this connexion by my Secretary, Mr. Conran Smith, who in spite of the heavy normal duties of his department has been able to deal with this measure in an expeditious manner with the least possible delay and without whose help and co-operation it would not have been possible to get ready this Bill which contains so many important changes. (Applause.)"

The motion was put and carried and the Bill was passed into law.

The House then adjourned to meet again at 11 a.m. on the 8th March 1934.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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TRUTH ALONE TRIUMPHS